

REMARKS

Reconsideration and allowance in view of the following remarks is respectfully requested.

Applicant submits the present Office Action only addresses claim 1-7 and 9-11 of the present application. The Examiner has failed to address claims 8 and 12-23. Nevertheless, based upon the Office Action of April 8, 2008, Applicant believes the Examiner is attempting to reject claims 1-23 at least on the ground of provisional obviousness-type double patenting of copending Application No. 10541251, and prepares the response below.

Claims 1-23 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1-25 of copending Application No. 10541251 in view of at least one of Kolev et al. (U.S. 6,125,283) and Lee et al. (U.S. 6,842,619).

In response, a terminal disclaimer is filed herewith, in accordance with the Examiner's suggestion, to overcome the provisional rejection based on the ground of nonstatutory double patenting. Accordingly, withdrawal of the rejections is respectfully requested.

Conclusion

Applicant appreciatively notes that the Office Action indicates only provisional rejections. Because these rejections are obviated by the enclosed Terminal Disclaimer, Applicant respectfully submits that the present application is in condition for allowance and a Notice to that effect is earnestly solicited. Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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